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EXAMINER

BOVEJA, NAMRATA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,791	Applicant(s) WILSON, JOSEPH G.	
	Examiner NAMRATA BOVEJA	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 12 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 13-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2006 and 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/05/04, 03/09/05, 07/14/05, and 02/28/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE communication filed on 05/09/2009 and the Supplemental Response filed on 06/09/2009.
2. Claims 1-7, 12, and 24, have been cancelled, and claims 8-11, 13-23, and 25 are presented for examination.
3. Amendments to the claims 8-11, 13, 15, 19, and 25, have been entered and considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10 and 13-23, are rejected under *U.S.C. 103(a)* as being *unpatentable* over Merriman et al. (Patent Number 5,948,061 hereinafter Merriman) *in view of* Paltenghe et al. Patent Number 6,421,729 (hereinafter Paltenghe).

In reference to claim 8, Merriman teaches a method of delivering content to an audience member based on an audience member profile, comprising the steps of: receiving an *image* request from a computer associated with the audience member (*col. 2 lines 19-26 and col. 2 lines 65 to col. 3 lines 63*); transmitting a *domain* cookie to the computer associated with the audience member in response to receiving the first request (*col. 3 lines 41-52 and col. 5 lines 10-49*); *storing profile data for the audience*

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member in a database (col. 5 lines 50-63 and 63-65 and col. 7 lines 45 to col. 8 lines 30); identifying a unique identifier for the audience member in the domain cookie (col. 3 lines 44-52, col. 3 lines 64 to col. 4 lines 11, and col. 5 lines 11-21); accessing profile data for the audience member from the database in response to identification of the unique identifier for the audience member (col. 5 lines 11-21 and 50-63); associating the audience member with a segment of audience members based on the profile data (i.e. where the user works and type of ads the user has clicked on in the past, and several advertisements may be targeted at people who may be interested in computers) (col. 5 lines 50-63 and col. 6 lines 6-11); and receiving a request for a website page from the computer associated with the audience member (col. 2 lines 19-36 and col. 2 lines 59 to 24).

Merriman does not specifically teach transmitting a segment-targeting cookie, which includes a segment identifier for the segment of audience members, to the computer associated with the audience member, wherein said segment identifier is separate from said unique identifier, and delivering content to the audience member based on the segment identifier in response to receiving the request for the website page.

Paltenghe teaches transmitting a segment-targeting cookie (i.e. a cookie containing user preference information), which includes a segment identifier for the segment of audience members, to the computer associated with the audience member, wherein said segment identifier is separate from said unique identifier (col. 2 lines 26 to col. 3 lines 30), and delivering content to the audience member based on the segment

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identifier in response to receiving the request for the website page (col. 2 lines 55-67).

It would have been obvious for Merriman to include transmitting a segment-targeting cookie, which includes a segment identifier for the segment of audience members, to the computer associated with the audience member, wherein said segment identifier is separate from said unique identifier, and delivering content to the audience member based on the segment identifier in response to receiving the request for the website page to identify the user and their preferences without slowing down the server when only the information in one of the cookies is needed and to present only the information the user indicated was of interest.

5. In reference to claim 9, Merriman teaches the method further comprising the steps of: determining the absence of a cookie with a unique identifier for the audience member *in response to a request for transmission of a first website page to the computer* (col. 5 lines 10-49); setting a unique identifier for the audience member in a *first domain* cookie, and transmitting the *first domain* cookie to the computer associated with the audience member (see at least col. 5 lines 10-49).

Merriman does not specifically teach determining the absence of a cookie in response to a second request for a website transmission, setting a unique identifier in a second domain cookie, and transmitting the second cookie to the audience member's computer.

Paltenghe teaches determining the absence of a cookie in response to a second request for a website transmission (col. 2 lines 4-34), setting a unique identifier in a second domain cookie (col. 2 lines 4-34), and transmitting the second cookie to the

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audience member's computer (col. 2 lines 4-34). It would have been obvious for Merriman to include determining the absence of a cookie in response to a second request for a website transmission, setting a unique identifier in a second domain cookie, and transmitting the second cookie to the audience member's computer to carry out Merriman's invention with multiple websites owned by different owners and to provide a server access to cookies that are placed by only that server.

6. In reference to claim 10, Merriman *does not specifically teach* the method wherein the audience member is associated with a default segment of audience members as a result of transmitting the second *domain* cookie to the computer associated with the audience member. *Paltenghe teaches the method wherein the audience member is associated with a default segment of audience members as a result of transmitting the second domain cookie to the computer associated with the audience member (col. 2 lines 55 to col. 3 lines 30 and col. 7 lines 16-24). It would have been obvious for Merriman to include associating an audience member with a default segment of audience members as a result of transmitting the second domain cookie to the computer associated with the audience member in case the audience member does not permit the placement of the cookie on his computer so that some default advertising can be presented to the audience member even if targeted advertisements cannot be presented.*

7. In reference to claim 13, Merriman teaches the method further comprising the steps of: collecting profile data relating to the audience member (col. 5 lines 47-49); and storing the *collected* profile data for the audience member in *the* database (col. 5 lines

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50-63 and 63-65 and col. 7 lines 45 to col. 8 lines 30).

8. In reference to claim 15, Merriman teaches the method wherein the segment of audience members *is* defined by rules that recognize any common affinity between two or more audience members (i.e. users who like computers) (col. 6 lines 3-11).

9. In reference to claim 19, Merriman teaches a method of delivering content to an audience member based on profile data, comprising the steps of: storing audience member profile data in a database (col. 5 lines 50-63 and 63-65 and col. 7 lines 45 to col. 8 lines 30); *identifying the audience member with a unique identifier stored in the database (col. 5 lines 10-33)*; associating the audience member with a segment of audience members based on the profile data *(i.e. where the user works and type of ads the user has clicked on in the past, and several advertisements may be targeted at people who may be interested in computers)* (col. 5 lines 50-63 and col. 6 lines 6-11); identifying the segment of audience members with a segment identifier included in a segment-targeting cookie (col. 5 lines 50-63), *wherein said segment identifier is separate from said unique identifier*; transmitting the segment-targeting cookie to a computer associated with the audience member (col. 3 lines 45-47 and col. 5 lines 10-29); and delivering content to the audience member based on the segment identifier (col. 5 lines 43-47 and col. 6 lines 6-11 and 54 59).

Merriman does not specifically teach identifying the segment of audience members with a segment identifier included in a segment-targeting cookie, wherein said segment identifier is separate from said unique identifier, transmitting a segment-targeting cookie, to a computer associated with the audience member, wherein said

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segment identifier is separate from said unique identifier, and delivering content to the audience member based on the segment identifier.

Paltenghe teaches identifying the segment of audience members with a segment identifier included in a segment-targeting cookie, wherein said segment identifier is separate from said unique identifier (col. 2 lines 26 to col. 3 lines 30), transmitting a segment-targeting cookie, to a computer associated with the audience member, wherein said segment identifier is separate from said unique identifier (i.e. a cookie containing user preference information), and delivering content to the audience member based on the segment identifier (col. 2 lines 55-67).

It would have been obvious for Merriman to include identifying the segment of audience members with a segment identifier included in a segment-targeting cookie, wherein said segment identifier is separate from said unique identifier, transmitting a segment-targeting cookie, to a computer associated with the audience member, wherein said segment identifier is separate from said unique identifier, and delivering content to the audience member based on the segment identifier to identify the user and their preferences without slowing down the server when only the information in one of the cookies is needed and to present only the information the user indicated was of interest.

10. In reference to claims 14 and 20, Merriman teaches the method wherein the step of collecting profile data includes collecting data from one or more sources selected from the group consisting of: a database, website page requests, advertisement requests (col. 6 lines 63 to col. 7 lines 12), user survey data (col. 5 lines 46-49), direct

response data, and website search requests.

11. In reference to claims 16 and 23, Merriman teaches the method wherein the content is delivered to the audience member by a server selected from the group consisting of: an advertisement server (col. 5 lines 10 to col. 7 lines 44 and Figures 1 and 2), an email server, a streaming media server, and a website server.

12. In reference to claims 17 and 21, Merriman teaches the method wherein the step of associating the audience member with a segment of audience members further comprises the steps of: comparing the profile data of a plurality of audience members, and forming a segment of audience members based on the comparison of audience member profile data (i.e. if a user is one who like computers, sending him ads targeted to that segment) (col. 6 lines 3-11).

13. In reference to claims 18 and 22, Merriman teaches the method further comprising the steps of: periodically collecting additional profile data for the audience member (i.e. data regarding which ads the user has clicked on is obtained and surveys are also administered to the users) (col. 5 lines 50 to col. 6 lines 26, col. 6 lines 60-67, and col. 9 lines 39-46); and periodically determining which audience member segments the audience member is associated with, based on the profile data (col. 5 lines 50 to col. 6 lines 26, col. 6 lines 60-67, and col. 9 lines 39-46).

14. Claim 11 is rejected under U.S.C. 103(a) as being unpatentable over Merriman in view of *Paltenghe and further in view of* do Rosario Botelho et al. (Publication Number US 2002/0069105 hereinafter Rosario).

In reference to claim 11, Merriman does not teach the method wherein when a

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user requests a website domain, the user is redirected to a redirect page as provided by the advertiser, and the primary website cookie associated with the user is updated based on the advertisement that is displayed to the user.

Rosario teaches the method wherein when a user requests a website domain, the user is redirected to a redirect page as provided by the advertiser, and the primary website cookie associated with the user is updated based on the advertisement that is displayed to the user (page 3 paragraph 41 to page 4 paragraph 41, page 4 paragraph 48, page 5 paragraph 54, and Figure 6). It would have been obvious for Merriman to redirect users to a redirect page provided by the advertiser and to update the primary website cookie associated with the user based on the advertisement that is displayed to allow advertisers to track which user clicked on their advertisements and to prevent showing the users the same advertisements they had already seen.

15. Claim 25 is rejected under U.S.C. 103(a) as being unpatentable over Merriman in view of *Paltenghe* and further in view of Official Notice.

In reference to claim 25, Merriman teaches the method wherein the first website page is delivered over a first digital medium, where the audience member is associated with an audience member profile data, and associating the audience member with a segment of audience members (col. 3 lines 24-63 and col. 5 lines 9 to col. 6 lines 59). Merriman does not teach providing the audience member with access to a second digital medium, sharing profile data in common between the two mediums, associating the audience member with a segment of audience members based on the common profile data, and delivering *additional content to the audience member via the second*

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digital medium *based on the association of the audience member with the segment of audience members*. Official Notice is taken that is old and well known to provide the audience member with access to a second digital medium, share profile data in common between the two mediums, associate the audience member with a segment of audience members based on the common profile data, and deliver the *additional content to the audience member via the second digital medium based on the association of the audience member with the segment of audience members*. For example, when supplemental content is being delivered to the same users with interactive television, the member can receive content based on his profile and segment data via the television and additional content can be received by the member on his computer via a website link. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to provide the audience member with access to a second digital medium, share profile data in common between the two mediums, associate the audience member with a segment of audience members based on the common profile data, and deliver the *additional content to the audience member via the second digital medium based on the association of the audience member with the segment of audience members* to allow the user to receive *different* targeted content on *different* mediums.

In support of this Official Notice, Examiner would like to point out to the Applicant that Shoff et al. Publication Number 2001/0001160 teaches providing an audience member with access to a second digital medium, it teaches presenting programming on an interactive television and advertisements on a computer screen concurrently (see at

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least abstract, page 2 paragraphs 15-18, and Figures 2-4). Additionally, the attached article by Susan Spencer, titled, "Phone, Cable Firms Fight for 'Last Mile,'" teaches how companies such as Comcast bundle phone, Internet, and cable TV services and put them on one bill, and therefore it is inherent that there is one account per person and the profile data between the different mediums of phone, Internet, and cable TV are shared, since the three services are provided by the same carrier, namely Comcast (see at least abstract).

Response to Arguments

16. After careful review of Applicant's remarks/arguments filed on 05/09/2009 and on 06/09/2009, the Applicant's arguments with respect to claims 8-11, 13-23, and 25 have been fully considered but are moot in view of the new ground(s) of rejection.

Amendments to claims 8-11, 13, 15, 19, and 25 have been entered and considered.

17. Applicant has successfully addressed the 35 U.S.C. 112 rejections that were previously made by the Examiner, and these rejections have been removed.

18. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Examiner, Art Unit 3622